

Workgroup to Study Partial Expungement - Kickoff Meeting
Tuesday, September 28, 2021 | 2:00 p.m. - 3:00 p.m.

These minutes are pending review and approval from Workgroup members.

Meeting Summary

Attendees

- Juliana Palmer, Director of Justice Reinvestment, Governor's Office of Crime Prevention, Youth, and Victim Services (GOCPYVS)
- Cameron Edsall, Legislative Affairs Manager, GOCPYVS
- Senator Michael A. Jackson
- Senator Jack Bailey
- Delegate Moon
- Delegate Shoemaker
- Mary Denise Davis, Office of the Public Defender Baltimore City
- Faye Gaskin, Administrative Office of the Courts
- John Cox, Maryland State's Attorneys' Association

Identified Chair and Co-Chair

- Mary Denise Davis
- John Cox

Key Themes

- Technology
 - Bundled charges
- Unintended consequences
 - Restitution
- Timelines
 - Immediate or is there a waiting period?
- Process
 - Automatic or application for expungement?

Emerging Questions

- Should favorable dispositions be eligible for expungement?
- Does current technology enable partial expungement? MDEC/CJIS?
- Expungement versus shielding to the public
- What will the balance be for partial expungement; will expungement be available immediately or is there a waiting period?
- Will we hear from others not in the task force on these topics, i.e. technology?

Meeting Notes

I. Welcome and Introductions

- All members introduced themselves. Only member not in attendance was a representative from the Job Opportunities Task Force.

II. Goals and Objectives

- The Workgroup shall study and develop a plan and legislative recommendations for enabling the expungement of criminal charges that are currently not eligible for expungement because of the requirements of § 10–107 of the Criminal Procedure Article.

III. Timeline

- On or before January 5, 2022, the Workgroup shall report its plan and legislative recommendations to the General Assembly, in accordance with § 2–1257 of the State Government Article.
- The timeline will need to include time for the Governor’s Office of Crime Prevention, Youth, and Victim Services, to review the report prior to submission to the General Assembly.

IV. Open Discussion

Questions:

- Based on your experience with and knowledge of expungement, what do we want to focus on within partial expungement for this workgroup?
- Are there any resources related to partial expungement that you would like to share with the group?

Discussion:

- Every process or policy needs to be assessed periodically and in some cases we’ve taken too long to do that. This Workgroup provides an opportunity for us to – with stakeholders at table – look at possibilities helping folks get on with their lives.
- Questions:
 - *Are we going into the workgroup with the expectation that we all agree that the dispositions within a case which has a guilty finding, do we want to get them expunged?*
 - *Should favorable dispositions be eligible for partial expungement?*
 - *How will our recommendations align with the technology we currently have, i.e. MDEC?*
- We need to consider whether what we recommend is technologically possible.
- Question:
 - *Are we talking about expungement in a true fashion or are we talking about how to shield it to the public?*

- Bracketing – what is likely to be sought for automatic expungement, expungement by application, and what is shielded from case search.
- Batch expungements – related to automatic expungement but not necessarily the same.
- Consider partial expungement and potential shielding.
- *Are we just going to focus on partial expungement?*
 - Legislation does not call for us to go beyond particular narrow focus.
- Consider what, if any, unintended or unfair consequences could result from these recommendations (i.e. restitution, bigger picture issues).
 - We may get ourselves in a bigger picture situation where there could be pleas for more counts, resulting in an adverse impact on defendants.
- Policy has been moving towards expungement.
- Last remaining issue about technology allowing expungement for bundled charges.
- Application for expungement versus automatic expungement – there might be some categories where a review is warranted – *should we proceed with a hope for allowing these types of expungements?*
- Figure out the balance when it comes to partial expungement and what the balance is going to be – *are we talking they are eligible immediately, is there a waiting period?*

V. Next Steps

- Elect Chair: In accordance with Chapter 376, the Workgroup shall elect a chair from among its members.
 - Mary Denise Davis, Office of the Public Defender, and John Cox, States Attorney's Office, will serve as Chair and Co-Chair of the Workgroup
- Identify Recurring Meeting Dates and Times
 - Meetings will be held on alternating Tuesday's at 2:00 p.m.